



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

SEP 14 2015

Mr. Chip Heister
Approvals Manager
Environmental Waste Minimization, Inc.
14 Brick Kiln Court
Northampton, PA 18067

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Exports of Hazardous Waste by Environmental Waste Minimization, Inc. located in Northampton, PA.

Information Request - Reference No. C15-024
EPA ID No. PAR000501577

Dear Mr. Heister:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information submitted to EPA by Environmental Waste Minimization, Inc. ("EWMI") in its 2014 Annual Export Report. The 2014 Annual Export Report provides information on exports of hazardous waste from EWMI's facility located at 14 Brick Kiln Court, Northampton, PA ("the Facility"). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, **within fifteen (15) business days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part

of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each question. Precede each answer with the number of the question or letter of the subpart of the question to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. For each copy of a document produced in response to this request, indicate on such copy, or in some other reasonable manner, the number of the request to which it responds, the current location and custodian of the original, the date such original was prepared, the person(s) who prepared the original and the date the document became effective at the Facility.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

1. In its 2014 Annual Export Report, EWMI reported that the Facility exported 12.87 tons (25,740 pounds) of waste corrosive solids (UN2923) to Stablex Canada, Inc., located in Blainville, Canada. Based on a review of the Facility's hazardous waste manifests sent to EPA by Customs, EWMI actually exported 28,064 pounds of waste corrosive solids (UN2923) in 2014 via 10 shipments. Please refer to the Summary of 2014 Exports of Waste Corrosive Solids (UN2923) table prepared by EPA, included with this request as Attachment A. With respect to the volume of waste corrosive solids (UN2923) exported by the Facility in 2014, please answer the following:
 - a. Explain how EWMI calculated the amount of waste corrosive solids (UN2923) that was exported from the Facility in 2014.
 - b. If EWMI based its calculation of waste corrosive solids (UN2923) exported in 2014 on any additional manifests that have not been identified in EPA's Summary

of 2014 Exports of Waste Corrosive Solids (UN2923) table (Attachment A), submit a copy of all such additional manifests.

- c. State the amount, in pounds, of waste corrosive solids (UN2923) the Facility was approved to export in 2014.
 - d. Submit a copy(ies) of the Facility's notification(s) of intent to export, required under 40 CFR § 262.53(b), that identifies the waste corrosive solids (UN2923) the Facility intended to export in 2014.
 - e. Submit a copy(ies) of the Acknowledgement of Consent the Facility received from EPA to allow the export of waste corrosive solids (UN2923) from the Facility in 2014.
 - f. If EPA's calculation of the volume of waste corrosive solids (UN2923) exported from the Facility in 2014 is incorrect, 1) describe in detail your reasons as to why such calculation is inaccurate; and, 2) provide documentation supporting your claim.
2. In its 2014 Annual Export Report, EWMI did not report any exports of waste sodium hydroxide (UN3266) to Stablex Canada, Inc., located in Blainville, Canada. Based on a review of the Facility's hazardous waste manifests sent to EPA by Customs, EWMI actually exported 587 pounds of waste sodium hydroxide (UN3266) in 2014 via 1 shipment. Please refer to the Summary of 2014 Exports of Waste Sodium Hydroxide (UN3266) table prepared by EPA, included with this request as Attachment B. With respect to the volume of waste sodium hydroxide (UN3266) exported by the Facility in 2014, please answer the following:
- a. Explain how EWMI calculated the amount of waste sodium hydroxide (UN3266) that was exported from the Facility in 2014.
 - b. If EWMI based its calculation of waste sodium hydroxide (UN3266) exported in 2014 on any additional manifests that have not been identified in EPA's 2014 Exports of Waste Sodium Hydroxide (UN3266) table (Attachment B), submit a copy of all such additional manifests.
 - c. State the amount, in pounds, of waste sodium hydroxide (UN3266) the Facility was approved to export in 2014.
 - d. Submit a copy(ies) of the Facility's notification(s) of intent to export, required under 40 CFR § 262.53(b), that identifies the waste sodium hydroxide (UN3266) the Facility intended to export in 2014.

- e. Submit a copy(ies) of the Acknowledgement of Consent the Facility received from EPA to allow the export of waste sodium hydroxide (UN3266) from the Facility in 2014.
 - f. If EPA's calculation of the volume of waste sodium hydroxide (UN3266) exported from the Facility in 2014 is incorrect, 1) describe in detail your reasons as to why such calculation is inaccurate; and, 2) provide documentation supporting your claim.
3. Based on a review of the Facility's hazardous waste manifests sent to EPA by Customs, EWMI omitted the requisite EPA waste codes a total of 13 times in 2013, a requirement under 40 CFR § 262.20(a)(1) Appendix Item 9, on the following manifests: #009988306 JJK, #009988327 JJK, #009990696 JJK, #009990697 JJK, #009990983 JJK, and 011804882 JJK.
- a. Submit a completed and signed copy(ies) for each of the above mentioned hazardous waste manifests.
4. Based on a review of the Facility's hazardous waste manifests sent to EPA by Customs, EWMI omitted the requisite EPA waste codes a total of 32 times in 2014, a requirement under 40 CFR § 262.20(a)(1) Appendix Item 9, on the following manifests: #011810208 JJK, #011810209 JJK, #077812075 JJK, #011812076 JJK, #011812259 JJK, #011812260 JJK, #011812261 JJK, #011805019 JJK, #013319689 JJK, #013319690 JJK, #013316563 JJK, #013316697 JJK, #013316698 JJK, and #013316872 JJK.
- a. Submit a completed and signed copy(ies) for each of the above mentioned hazardous waste manifest.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

With regard to the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”), please see the “Information for Small Businesses” memo, enclosed as Attachment C, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA’s decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA’s enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA’s request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Please send, or otherwise ensure delivery of the requested information to:

Rebecca Serfass
US EPA Region III
1650 Arch Street
Mail Code 3LC70
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Ms. Rebecca Serfass at (215)-814-2047.

Sincerely,

A handwritten signature in cursive script that reads "Carol Amend".

Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: R. Serfass (3LC70) w/o
A. Ma (3LC70) w/o